

Remarks

Based on the above amendments and the following remarks, Applicants respectfully request that the Examiner reconsider and withdraw the outstanding rejections.

Claim Status

Upon entry of the foregoing amendments independent claim 60 is pending in the application. Claim 61 has been cancelled. Claim 60 has been amended. Support for the claim amendments may be found throughout the Specification, for example at paragraph 34, 42, 48, 64, 76, and 84 (Application Publication No. US2001/0041334 A1). Thus, no new matter is added by way of these amendments, and their entry is respectfully requested.

Claim Rejections Under 35 U.S.C. § 112

I. Claim 61 is rejected as being non-compliant with the Written Description Requirement of 35 U.S.C. § 112, first paragraph. Claim 61 has been cancelled, thus rendering rejection of this claim moot.

II. Claims 60 and 61 are rejected under 35 U.S.C. §112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter for which the Applicants regard as the invention. Claim 61 has been cancelled, thus rendering rejection of this claim moot. Applicants respectfully traverse this rejection with regard to claim 60.

Claim 60 has been amended to recite a method involving taking a composition from “storage at a temperature between -20°C to +4°C.” In view of this amendment, the metes and bounds of the invention are clear.

Claim 60 is also rejected for the recitation of “then” after step (a) being unclear. Applicants respectfully submit that the claim language is clear on its face; step (b) is performed after step (a), with or without intervening steps.

Claim Rejections Under 35 U.S.C. § 102(e)

I. Claims 60 and 61 are rejected under 35 U.S.C. §102(e) as being anticipated by Hoeltke *et al.* Claim 61 has been cancelled, thus rendering rejection of this claim moot. Applicants respectfully traverse this rejection with regard to claim 60.

An anticipation rejection under 35 U.S.C. § 102 requires a showing that each limitation of a claim is found in a single reference, practice or device. See Kalman v. Kimberly Clark Corp., 713 F.2d 760, 771 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984). See also M.P.E.P. 8th ed., § 2131 (rev. 2, May 2004) ("To anticipate a claim, the reference must teach every element of the claim.").

Amended claim 60 relates to a method for nucleic acid manipulation using a composition that contains a polymerase, an antibody that binds the polymerase, a deoxynucleoside triphosphate, and a buffer salt. In contrast, Hoeltke does not disclose a method that includes an antibody. Therefore, Applicants respectfully request that the rejection of this claim under 35 U.S.C. § 102(b) be withdrawn.

II. Claims 60 and 61 are also rejected under 35 U.S.C. §102(e) as being anticipated by Gelfand *et al* as evidenced by Chang *et al.* Claim 61 has been cancelled, thus rendering rejection of this claim moot. Applicants respectfully traverse this rejection with regard to claim 60.

An anticipation rejection under 35 U.S.C. § 102 requires a showing that each limitation of a claim is found in a single reference, practice or device. See Kalman v. Kimberly Clark

Corp., 713 F.2d 760, 771 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984). See also M.P.E.P. 8th ed., § 2131 (rev. 2, May 2004) ("To anticipate a claim, the reference must teach every element of the claim.").

Gelfand does not disclose storing a mixture comprising DNA polymerase at temperature between -20°C and +4°C. The annealed mixture of Gelfand stored at +4°C, does not comprise DNA polymerase. See column 27, lines 8-19. Chang does not disclose storage at temperature between -20°C and +4°C. Accordingly, Gelfand as evidenced by Chang does not anticipate the claims of the present invention. Applicants therefore request that this rejection under 35 U.S.C. 102(e) be withdrawn.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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